

AUG 05 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERARDO OCTAVIO DE LA PUENTE,

Defendant - Appellant.

No. 08-50002

D.C. No. CR-07-00387-RGK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges

Gerardo de la Puente appeals the sentence imposed following his guilty plea to forging an endorsement on a treasury check, in violation of 18 U.S.C.

§ 510(a)(1). He contends that the district court erred in denying him a downward

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1 on the ground that, while awaiting sentencing, he committed new, unrelated crimes. This contention is foreclosed by our recent decision in *United States v. Mara*, 523 F.3d 1036, 1038-39 (9th Cir. 2008). We therefore affirm the district court's judgment.

AFFIRMED.